

Media Freedom, Journalists and Human Rights Groups Call on the European Union to Secure an Effective Media Freedom Act.

To the European Council, the European Parliament and the European Commission

On behalf of media freedom, journalists and human rights organizations across Europe, we call upon the European Union institutions to negotiate a strong and effective European Media Freedom Act (EMFA) that can counter media capture and protect editorial independence and media pluralism across Europe.

Media freedom is in crisis in many EU countries as populist governments and oligarchs collaborate to misuse powers of the state to bolster propaganda and drown out independent media critics.

Increasingly, public broadcasters are turned into propaganda platforms while media regulators are captured by political appointees denying or removing licenses and imposing fines on critical media. State advertising is directed to their allies in the media while oligarchs are rewarded for their media's loyalty with lucrative state contracts in other industries. Meanwhile, too often the courts are abused to silence journalists through vexatious lawsuits, security agencies and non-state actors target investigative journalists with spyware and politicians encourage armies of social media trolls to create a hostile and intimidating climate for journalists.

After years of inaction, we congratulate the European Commission for introducing the EMFA as a blueprint for how media capture and the misuse of surveillance technologies against journalists can, and must, be addressed, if the media freedom crisis is not to deepen and spread further.

We fully endorse the ambitions of the EMFA and now call on the European Parliament and the European Council to negotiate a final version that can meet these ambitions and have a transformative impact on media freedom.

We note arguments brought by some publisher groups that express concern about certain provisions of the proposed legislation. While it goes without saying that any law or regulation affecting the media must be carefully reviewed to prevent unintended consequences on media freedom, we believe that the arguments brought forth by these publishers do not hold up to scrutiny. In this light, we strongly urge the European institutions to ensure that the EMFA is not watered down and that it has sufficient teeth in particular to address the growing crisis of media capture in EU member states.

Principal arguments brought forward by different publisher groups include:

- Measures to increase transparency of media ownership are an infringement of the right to privacy of media owners

- Measures to reinforce protections for editorial independence in newsrooms are a restriction on publishers' rights to publish
- Europe-wide media regulation represents overreach by the European Commission beyond its legal mandate and is furthermore a fundamental breach of principles protecting media freedom
- Consolidation in the media sector has been essential for the survival of many small media that would otherwise have folded and that (perceived) limitations on such consolidation would harm media pluralism
- The EMFA imposes extra costs and restrictions on publishers to manage their businesses, which will undermine their profitability and therefore media freedom.

As leading journalism and human-rights organizations, we fully understand the need for independent, robust, and sustainable media businesses that are able to meet the needs of diverse audiences and contribute to pluralistic public discourse. We also, as noted above, agree that any regulation impacting media and media freedom must be carefully drafted and vigorously debated. However, with regards to specific arguments raised by some publisher groups, we insist that

- Transparency of media ownership is a legitimate and essential public interest. In a democracy, journalism is a public good and, as such, the public must be able to know who can exercise influence over media content and what possible conflicts of interest may exist. This is particularly relevant at a time of declining trust in the media.
- Editorial independence of newsrooms is vital to protect the integrity of news content from all potential sources of interference and vested interests, including those of the owners. The decade-long consolidation in the media market makes reinforcing editorial independence ever more urgent.
- The role of the proposed European Board of Media Services is focused primarily on protecting media pluralism and editorial independence. It has no role regarding media content, and we would strongly reject any such role. Its powers are restricted to issuing opinions and setting standards.
- Solving the economic imbalance faced by publishers in the digital market is critical, but it cannot be done by offering unlimited consolidation of news content providers. It should instead be done by reforming the digital market such as breaking the monopoly online platforms have established in advertising.
- By stopping governments misusing state advertising and capturing media regulators to create a hostile economic climate for independent media, the EMFA can improve the profitability and investment environment for independent media, which is vital for its survival.

We believe these measures, together with other clauses such as Article four on protection from surveillance and Article five on protecting the independence of public service media, are reasonable and vital measures to defend press freedom and independent journalism in Europe, especially from the growing threat of media capture. Indeed, it is our view that, had these measures been in place ten years

ago, they could have substantially slowed or mitigated the process of media capture in Hungary and Poland.

We also believe these measures introduced today can help to counter media capture in countries that are currently on a similar trajectory but not yet fully captured, and help ensure that media across Europe are able to fulfill their watchdog role.

We do not agree that these measures pose a threat to media freedom in the EU.

As journalism and media freedom organizations, we are cognizant of, and highly sensitive to, the need to ensure that any legislation affecting the media be rigorously drafted to protect against unforeseen consequences. There is also no doubt that state institutions should be kept at an arm's length when it comes to media regulation. However, given the serious threat to European democracy from the spread of media capture and other forms of pressure on journalism, the EMFA contains a set of reasonable and vital proposals to safeguard independent journalism. We cannot afford to miss this opportunity

With European elections on the horizon there is no excuse for complacency, nor delay. We urge European policymakers to pass a strong EMFA this year.

Signed

International Press institute

Access Info Europe

ARTICLE19

Association of European Journalists

Civil Liberties Union for Europe (Liberties)

Civil Rights Defenders

European Centre for Press and Media Freedom (ECPMF)

European Federation of Journalists (EFJ)

European Partnership for Democracy (EPD)

Free Press Unlimited (FPU)

Human Rights Monitoring Institute

Irish Council for Civil Liberties (ICCL)

Ligue des Droits Humains (Belgium)

Peace Institute, Ljubljana

Society of Journalists, Warsaw